

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

GORDON L. GEORGE

Plaintiff,

vs.

CAROLYN COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

Case Number CIV-06-960-C

MEMORANDUM OPINION AND ORDER

On April 8, 2013, Defendant issued a Notice of Award in Plaintiff's favor. Plaintiff now seeks to reopen the case pursuant to Fed. R. Civ. P. 60 so that he may timely file a request for attorney's fees pursuant to 42 U.S.C. § 406(b). Plaintiff's request is in accordance with the procedure set forth by the Tenth Circuit in McGraw v. Barnhart, 450 F.3d 493 (10th Cir. 2006). Defendant recognizes she has no direct stake in the either this motion or any attorney fee award under § 406(b), but asks the Court to carefully consider whether the present motion is timely. While Plaintiff's counsel could likely have filed the request earlier, the delay from the May 10, 2013, receipt of the Notice of Award until the filing of this request is not so great as to deny the requested extension.

For the reasons set forth herein, Plaintiff's Motion for Relief Pursuant to *Fed. R. Civ. P.* 60(b)(6) (Dkt. No. 50) is GRANTED.

IT IS SO ORDERED this 30th day of July, 2013.



ROBIN J. CAUTHRON
United States District Judge